

Application No.: 10/047,809

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Amendment dated: February 15, 2007

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Reply to Office Action dated: November 15, 2006

REMARKS/ARGUMENTS

Claims 1-28 are pending in the application. Claims 1-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiell et al., U.S. Patent Number 5,913,049, hereinafter ("Shiell").

The Office Action dated November 15, 2006 admits that Shiell does not disclose the element of applicants' claimed invention that states ". . . wherein said multi-thread scheduler is to determine the width of said execution unit." The portions of Shiell cited by the Office Action only mention scheduling based on resource conflicts detected by dependency check logic and not based on the width of an execution unit. *See* column 8, lines 56-61.

Page 3 of the Office Action states "[i]t is obvious that the width of the execution unit [has] been tak[en] into consideration by the scheduler because each thread/instruction may require more or less bandwidth of the execution unit." This, however, is a misrepresentation of what Shiell teaches. Shiell does not take the width of an execution unit into consideration because each thread/instruction is sent to a different execution unit, therefore making determining the width unnecessary. *See* Fig. 3 (label 445) and Abstract. "[I]nstructions from the various streams may be scheduled and issued to different execution units." Column 3, lines 16-18. Shiell's use of multiple execution units refutes the Office Action's assertion that determining an execution unit's width is somehow inherently taught by Shiell. In fact, Shiell teaches away from determining the width of an execution unit because any such capability would be superfluous to the

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functioning of the system taught in Shiell, and thus unnecessarily decrease performance and increase cost.

The Office Action only discussed claims 1-8, stating that the same rationale for rejection also applied to claims 9-28. Applicants, therefore, assert that for at least all the reasons mentioned above, claims 1-28 are allowable. Accordingly, applicants request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

It is believed that this Response places the application in condition for allowance, and early favorable consideration of this Response is earnestly solicited.

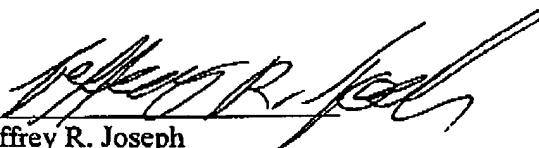
If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

The Office is hereby authorized to charge any fees, or credit any overpayments, to Deposit Account No. **11-0600**.

Respectfully submitted,
KENYON & KENYON LLP

Dated: February 15, 2007

By:


Jeffrey R. Joseph
(Reg. No. 54,204)
Attorneys for Intel Corporation

KENYON & KENYON LLP
333 West San Carlos St.
San Jose, CA 95110

Telephone: (408) 975-7500
Facsimile: (408) 975-7501